

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD MEETING

Dixie Convention Center
1835 Convention Center Drive
St. George, Utah, Utah 84770
April 21, 2004
9:30 a.m.

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Rob Adams	Mayor Joe Piccolo
David Echols	Jay Olsen
Bill Williams	Mayor Douglas Thompson
Ray Child	Ann Wechsler

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Don Ostler, Walt Baker, Faye Bell, Ed Macauley, Randy Taylor, Dan Hall, Peter Gessel, Gennaro Dicataldo, Tim Beavers, Karin Tatum, Dave Rupp, John Kennington,

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Dan James	WEAU
Rick Davis	West Point City
Boyd Davis	West Point City
Mayor John Petroff	West Point City
Dave Sibila	OUI Associates Inc.
Rick Tatton	Price City
Glenn Barrow	Hooper City
Paul Taylor	J.U.B. Engineers
Donald Champenois	Black & Veatch
Gary Hunter	Black & Veatch
Wayne Thomas	Department of Environmental Quality
Jon Adams	Salt Lake City Corp.
Gordon Morgan	Timpview SSD
Brad Rasmussen	Aqua Engineering
Justin Logan	Aqua Engineering
Paul Barney	Aqua Engineering

Chairman Williams called the Board meeting to order at 10:30 a.m. He welcomed those in attendance. Mr. Williams invited the members of the audience to introduce themselves. Dan James, President of WEAU welcomed the Water Quality Board to the annual WEAU Conference.

Presentation: Mr. Williams presented a Service Award to Jon Adams for his service on the Certification Council.

APPROVAL OF MINUTES OF THE MARCH 8, 2004 MEETING

Motion: **It was moved by Mayor Piccolo and seconded by Mayor Thompson to approve the minutes of the March 8, 2004 Board meeting. The motion was unanimously approved.**

Rulemaking: Dan Hall referred the Board to Tab 2 of the packet. Staff is requesting Board authorization to initiate rulemaking on *R317-6, Administrative Rules for Ground Water Quality Protection*. The proposed changes include updates and additions to ground water standards for various constituents which have been promulgated as Federal Maximum Contaminant Levels (MCLs) and Maximum Residual Disinfectant Levels (MRDLs) under the EPA drinking water regulations. Some changes were made to the initial proposal based on input from the last round of public comment, such as the removal of a ground water quality standard for arsenic.

Mr. Ostler explained, in a lay perspective, these changes will allow us to update the state ground water quality standards to match the federal standards and change the protection level which is used in permitting by raising the compliance threshold to 25% over background. This change in protection level will help prevent false noncompliance alarms and will still keep the ground water clean.

Motion: **It was moved by Mr. Adams and seconded by Mr. Echols to authorize staff to proceed with rulemaking for changes to R317-6. The motion was unanimously approved.**

Rulemaking: Ed Macauley referred the Board to Tab 2.32 of the packet. Staff is requesting the Board authorize initiation of rulemaking on *R317-100-3 (E), Utah State Project Priority System for the Utah Wastewater Loan Program*. A revision is being proposed to reflect the Utah Water Quality Board's instructions given in the March 8, 2004 Board meeting to be responsive to communities that achieve Quality Growth Certification. The revision would elevate a certified community's priority on the Utah State Project Priority List by an additional 20 points.

Motion: **It was moved by Mr. Adams and seconded by Mr. Child to authorize staff to proceed with rulemaking for changes to R317-100-3. The motion was unanimously approved.**

Rulemaking: Ed Macauley referred the Board to Tab 2.39 of the packet. Staff is requesting the Board authorize initiation of rulemaking to eliminate *R317-103, Rural Communities Hardship Grants Program*. This program pertains to a one-time federal grants program that was developed in 1997. This program was very restrictive and only \$290,700 was made available to Utah communities. Under this program the funds appropriated have been expended so the administrative rules that govern the program are no longer needed.

Motion: **It was moved by Mr. Echols and seconded by Mr. Olsen to authorize staff to proceed with rulemaking to eliminate R317-103. The motion was unanimously approved.**

Rulemaking: Ed Macauley referred the Board to Tab 2.42 of the packet. Staff is requesting the Board's authorization to solicit public comment on the FY 2005 SRF Intended Use Plan. Under the terms of Utah's SRF Operating Agreement with EPA, public input must be solicited annually on this document. Because historically there has been no controversy over the IUP, public hearing will be held.

Motion: **It was moved by Mayor Piccolo and seconded by Mr. Adams to authorize staff to solicit public comment on the FY 2005 SRF Intended Use Plan. The motion was unanimously approved.**

LOAN PROGRAM

Financial Assistance Status Report – Mr. Macauley updated the Board on the “Summary of Assistance Program Funds” as outlined on page 3.1. Mr. Williams asked if the dates are known when loans listed on the State Revolving Fund will be released. After some discussion the Board requested that a project funding work meeting be arranged. Ms. Wechsler also requested a copy of the Executive Order related to the Quality Growth Initiative be sent to the Board members.

West Point City Request for Funding: Gennaro Dicaldo introduced Rick Davis, City Manager of West Point City; Boyd Davis, West Point City Engineer; and John Petroff, Mayor of West Point City. West Point City is requesting a loan in the amount of \$640,000 at 2.7% interest repayable over 20 years for the construction of a storm water drain system. West Point is also requesting a Design Advance of \$31,000 for engineering design. Mr. Davis presented a presentation of the system West Point City plans to use.

Motion: **It was moved by Ms. Wechsler and seconded by Mr. Child to authorize financial assistance in the amount of a \$640,000 loan at 2.7% interest and a \$31,000 Design Advance, with the special conditions listed below. The motion was unanimously approved.**

Special Conditions:

- 1. The project will be designed to provide treatment of the storm water runoff collected in the pipelines by sand filtration systems and other appropriate treatment elements.*
- 2. Planning must be complete before funds will be advanced for project design.*
- 3. As a part of the facility planning, the City must complete a water conservation and management plan.*

Hooper City Request for Funding: Gennaro Dicaldo introduced Mayor Barrow of Hooper City and Mr. Paul Taylor from J-U-B Engineering. He then outlined Hooper City’s proposed project and exhibited slides that portrayed the nature and extent of the wastewater disposal problems in the City. The project is ranked #1 on the FY2004 Wastewater Project Priority List and has been designated a health hazard because of onsite system failures. Hooper City is requesting financial assistance in the amount of a \$4,992,000 Hardship Grant and a \$10 million zero percent interest loan repayable over 30 years. Hooper is also requesting a Design Advance of \$1,056,000 for engineering design and purchase of easements. Mr. Dicaldo referred the Board to page 3.18 of the packet, which answers questions the Board asked at the previous Board meeting. Mr. Echols asked if they had investigated other funding sources. Mayor Barrow said they had looked into other sources and plan to get some CDBG money to help. While the Board’s packet shows no local contribution, each homeowner will have to pay to disable their own septic tank and run laterals out to the property line. The estimated cost of this work will be \$2-3 million and will be borne by the homeowners. The CDBG money would go to help those with low to moderate income to help pay these expenses.

Mr. Olsen asked if there was any way to retire all septic system transfer credits. Mayor Barrow responded that they presently do not have a mechanism to do so as the local health department presently controls the regulations on the septic system. Mr. Child pointed out the ordinance needs to be tough enough to force everyone to connect. Mayor Thompson asked if any additional septic systems could be built within the boundaries of Hooper. Mr. Barrow said not in the phase one area, because the sewer will be there and residents would be required to connect to it. In outlying areas, a few systems may be built until the sewer is extended. The goal is to have everyone on sewer with any septic tank systems being temporary. Mayor Piccolo suggested they put a moratorium on building permits until they are able to acquire access to the sewer. Ms. Wechsler pointed out that this project seems to hinge on development, yet they are making it difficult for developers to benefit from the sewer. Mr. Baker directed the Board’s

attention to page 3.22, which shows a cash flow model for repayment of Hooper's debt based on a conservative growth rate of 2%. Mr. Olsen explained he had a problem with the possibility of septic tank credits being used or transferred someplace else and would like a condition of the loan prohibiting that from occurring.

Motion: Mr. Olsen made a motion to wait until the next Board meeting to act on Hooper's request and asked Hooper to come back with more information on how it can solve the septic tank "re-issue" dilemma. The Board asked that the following be addressed: 1) how existing septic systems are handled; and 2) how to handle single lot splits on agricultural land. The motion was seconded by Mr. Echols and unanimously carried to approved. Mr. Child said the Board is asking Hooper to try and come back with some creative thought that would minimize the proliferation of additional septic tanks. Mr. Olsen and Mr. Echols requested Hooper also present some figures of what the town's local contribution will be.

Presentation: Following a presentation in the WEAU luncheon, Mr. Williams introduced Booth Wallentine to the Board who is this year's recipient of the Sudweeks Award in recognition of his contribution to water quality in the State of Utah.

Mr. Ostler then recognized Mr. William Williams with a plaque. He is resigning as the Water Quality Board Chairman due to a change in professional duties requiring him to move out of the state.

Price City Request for Planning Advance: Karin Tatum introduced Mayor Piccolo and Gary Sonntag of Price City. Price City is requesting a Planning Advance in the amount of \$54,000 to identify, evaluate and compare alternatives for water supply, recovery and potential for Type I reuse to overcome water depletion, as part of the overall efforts to meet the City's future water needs. Preliminary research has revealed that the drought has severely impacted Scofield Reservoir, Price City's fresh water source, which has raised concerns about the future available culinary water. Without future planning for water use and resource development, the City may potentially face economic hardship due to the lack of a necessary resource (water) resulting in an unsustainable community. Mr. Echols questioned if federal funds are a possibility. Mayor Piccolo said this study would help produce the information to support such a request.

Motion: It was moved by Mr. Child and seconded by Mr. Adams to authorize the Planning Advance requested of \$54,000 with the special conditions listed below. The motion was unanimously approved. Mayor Piccolo left the room and recused himself from voting.

Special Conditions:

- 1. This Planning Advance must be expeditiously repaid at the completion of the study whether or not a project is implemented as a result of this study.*
- 2. The Division of Water Quality must approve the engineering agreement and plan of study before the Planning Advance will be executed.*
- 3. The City must define the scope of work for its \$40,000 in-kind contribution for the Study*

Other Business:

CAFO Permit Transfers and Comprehensive Nutrient Management Plan: In response to the Board's request at the previous meeting, Randy Taylor directed the Board to the memo on page 4.1.

NEXT MEETING

The next Water Quality Board meeting will be held on May 27, 2004 at 9:30 a.m. in Hooper City Hall.

Ray Child, Vice-Chairman

Located in:

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